

Application No.09/843,609  
After Non-Final Office Action of March 9, 2006

Docket No.: 102788-0009

### REMARKS

This is filed in response to the Non-Final Office Action dated March 9, 2006, citing formal objection to claims 1,10, 11 and 13 as allegedly indefinite, and rejecting claims 1, 3, 4, and 6 – 24 over the art. The cited references are Schanze et. al. (U.S. Patent No. 6,003,136) and Ananda et. al. (U.S. Patent No. 5,495,411).

This **Amendment after Non-Final Action** follows a request for continued examination under 37 CFR 1.114 and responds in full to the pending action, amending claims 1, 10, 11 and 13 for matters of form and amending claims 1, 10, 11 and 13 to clarify, still further, distinctions over the prior art. As discussed below, those claims, as well as the others pending in this application, are in condition for allowance.

#### Claim Objections

Claim 11 has been amended to overcome the Examiner's objection to the preamble. That preamble is now amended to recite "a digital data computing method" and is believed to overcome the Examiner's objection.

#### Claim Rejection under 35 USC § 112

Claims 1, 10, 11 and 13 are rejected by the examiner under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner rejects those claims as containing terms that lack antecedent basis. The applicants respectfully disagree with the Examiner that the limitation "the executing step" renders the claim indefinite in this regard. However, in order to expedite the prosecution of this application, the Applicants have amended claims 1, 10, 11 and 13 by removing the objected-to phrase. No new subject matter is added.

#### Claim Rejection under 35 USC § 102(b)

Claims 1, 3, 4, 10, 13, 20, and 23 – 24 are rejected by the examiner as being anticipated by Schanze U.S. Patent No. 6,003,136.

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Pending claim 1, as amended, recites a digital data computing method comprising a process that makes a request and requires at least asynchronous responses to those requests to continue operation, otherwise the process discontinues. That claim further recites that at least one such request is associated with allocation and/or de-allocation of dynamic memory, and it also teaches generating a response to such a request, where that response includes data necessary for performing allocations and/or de-allocations of memory. Additionally, claim 1 recites an executing step that uses the data provided in the response to allocate and/or de-allocate memory associated with the process.

Sanchez does not teach the use of dynamic memory allocation and/or de-allocation to secure computer software, as required by amended claim 1. In Sanchez, a client belonging to a Kerberos domain makes a request for renting software to the Kerberos server via a local server (Kerberos security library, (KSL)). KSL initiates the processing of the request by sending a message to the Kerberos server. To prevent the unauthorized use of Kerberos services, KSL attaches a unique transaction ID number to each request it sends to the Kerberos server, and maintains a record of the transaction ID numbers in its memory. The Kerberos server processes the request and sends an appropriate response to KSL which compares the ID of the response with the ID number of the corresponding request from its memory. If there is a match KSL sends the response to the client, thus preventing an unauthorized user from receiving Kerberos service. Accordingly, Sanchez does not teach making a request for memory allocation and/or de-allocation. Nor does he teach generating a response that includes data necessary to perform such a request. Further, Sanchez does not teach an executing step that uses the data provided to allocate and/or de-allocate dynamic memory.

For these reasons, among others, Sanchez does not anticipate or render obvious the subject matter of claim 1. Applicants therefore respectfully request Examiner to reconsider and withdraw the rejection.

Claims 3 and 4 depend on claim 1 and incorporate all the limitations of claim 1. Claims 3 and 4 are therefore patentable for at least the same reasons mentioned above for claim 1.

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Independent claims 10 and 13 are amended similarly to claim 1. For the reasons above, among others, Sanchez is not believed to teach or suggest the subject matter of either of those claims. The Applicants therefore request that the Examiner reconsider and withdraw the rejection.

Further, claims 20, 23 and 24 depend on independent claim 13 and are patentable for at least the same reasons as claim 13.

#### **Claim Rejection under 35 USC § 103(a)**

Claims 6-9, 11, 12, 14-19, 21, and 22, are rejected by the Examiner as being unpatentable over Schanze (U.S. Patent No. 6,003,136) in view of Ananda (U.S. Patent No. 5,495,411).

Claim 6 depends on claim 1 and additionally recites that it is computationally difficult to unauthorizedly simulate the generation of responses to requests made by client program 'C'. The Examiner agrees that Sanchez does not explicitly disclose the teachings of claim 6. However, he asserts that one could modify the teachings of Sanchez in view of Ananda to arrive at the claimed invention.

However, Ananda does not teach or even suggest securing software by the methods recited in the pending claims. In Ananda rental software is secured against unauthorized use by attaching a header (which carries out continuous asynchronous password verification) to the application before transferring the application from a central rental facility to the client site. There is no suggestion in Ananda that the system it teaches could be improved utilizing methods at all like those recited in the pending claims.

Thus, not only do Sanchez and Ananda individually fail to teach or even suggest the use of random memory allocation and/or de-allocation to prevent unauthorized access of rental software, but together they fail to teach it as well. Moreover, one of ordinary skill in the art would have no incentive to combine the teachings of Ananda with those of Sanchez in the manner suggested by the Examiner.

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Claims 7 – 9, and 12 depend on claim 1, and are patentable for at least all the reasons mentioned above for claim 1. Independent claim 11 has been amended to further incorporate limitations of claim 1 and is patentable for the reasons discussed above.

Claims 14 – 19, 21, and 22 depend on independent claim 13. Thus claims 14-19, 21, and 22 represent patentable subject matter and Applicants respectfully request the Examiner to reconsider and withdraw the rejection.

### CONCLUSION

This responds in full to the Office Action mailed March 9, 2006. In view of the amendments above, the application is in condition for allowance. Applicants, therefore request the Examiner to withdraw all objections and rejections. Applicants also invite the Examiner to contact the undersigned attorney by telephone, if the Examiner deems it necessary for expediting approval.

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Respectfully submitted,

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